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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,696	09/23/1999	Jan-Eric Callin	1677/00132	4303

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EXAMINER

RICHARDSON, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/381,696

Applicant(s)

CALLIN, JAN-ERIC

Examiner

John Richardson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-29-1999</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Non Final Rejection

1). Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-12, drawn to an apparatus (class 376, subclass 293).

Group II, claims 13-18, drawn to a process (class 52, subclass 74.02).

The inventions listed as Groups I, II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

- The process, group II claims does not inherently result in the apparatus, group I claims, because for example, the process as claimed does not result in first and second wall members with essentially identical cross-sections.

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2). Applicant's election with traverse of species group I in the reply filed in a telephone conversation (Burton Amernick 202-331-7111) on September 20 2004, is acknowledged. The traversal is on the grounds that the application was a national stage case. This is not found persuasive because the process, group II claims does not inherently result in the apparatus, group I claims, because for example, the process as claimed does not result in first and second wall members always having to be formed with essentially identical cross-sections.

The requirement is still deemed proper and is therefore made FINAL.

3). Claims 13-18 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply recorded on September 20 2004.

4). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5). The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6). The disclosure is objected to because of the following informalities:

- Not all the disclosure specification items are depicted on the Figures 1-2; for example, **item 8**, on page 7, line 3 of the specification.

Appropriate correction is required.

7). Claims 1, 2, 7, 8, 10, 11, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Sickel et al (U.S. 3,716,451).

The reference discloses a nuclear reactor power plant containment structure comprising a first wall and a connected second wall (see Figure 2, profile of wall items 17 defining an upper space above a floor level item 24, a reactor vessel and nuclear core (item 22) located in an inner space, the said upper space defined by the said second wall (item

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17) above the said item 24, and horizontal cross-section of the said first and second walls form a common cylinder structure as shown in Figure 2, relating to claim 2, the said cross-section is essentially circular, relating to claims 7-8, 10, the upper space is divided into part spaces comprising primary walls (items 40), and secondary walls (items 20) as shown in Figure 1, and relating to claim 11, a cover structure is provided on the floor level item 24, as shown in Figure 2, and relating to claim 12, the reference discloses an opening at the 3 o'clock position shown in Figure 1..

8). Claims 1 to 3, 6 to 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleimola (U.S. 4,050,983).

The reference discloses a nuclear reactor power plant containment structure comprising a first wall and a connected second wall (see Figure 2, profile of wall items 12 defining an upper space item 78, a reactor vessel and nuclear core (item 20) located in an inner space, the said upper space defined by the said second wall (item 12), and horizontal cross-section of the said first and second walls form a common cylinder structure as shown in Figure 6, relating to claim 2, the said cross-section is essentially circular as shown in Figure 6, relating to claim 3 it is the examiner's position that the Kleimola reference inherently discloses that the wall items (items 12, Figure 1) can be characterized as being cast by means of a concrete continuous sliding form procedures, relating to claim 6, the reference discloses a plurality of concrete wall structure coatings / steel liners (items 42 and Column 8, lines 43+), relating to claims 7- 10, the upper space is divided into part spaces comprising parallel primary walls running north-south,

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and secondary walls disposed each side of door opening, all as shown in Figure 3, and relating to claim 11, a cover structure is provided on the floor level item 46, as shown in Figures 1-2, and relating to claim 12, the reference discloses a plurality of door members as shown in Figure 3

9). Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 1, 2, 6 to 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleimola (U.S. 4,050,983) as applied to claims 1, 2, 6 to 12 in view of Heinzle (CH 472558 – translation attached).

The primary reference discloses the claimed invention except for citing for example, that the second wall member of Kleimola is in the slip-form / sliding form of concrete construction. It is the examiner's position that claim 3 is a product by process claim.

However, as an additional basis for rejection, it is noted that the secondary reference, Heinzle, teaches that it is well known in the large container shaped / circular concrete structure construction art to use slip-forms. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used slip-forming techniques for constructing internal structure walls to expedite construction work in confined spaces and to avoid the need for scaffolding (see Heinzle translation, page 5, lines 1-5, middle and last paragraph).

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9). Claims 4 to 5 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 1, 2, 6 to 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleimola (U.S. 4,050,983) as applied to claims 1, 2, 6 to 12 in view of Heinzle (CH 472558 – translation attached) and in further view of Harstead (U.S. 4,175,005).

The primary reference discloses the claimed invention except for citing that pre-stressed tendons are used in the method of concrete construction. The secondary reference, Harstead, discloses the use of pre-stressed tendons (items 8) for use in nuclear reactor containment construction, and affords a number of significant design and economic advantages as disclosed in for example, Column 3, lines 8+, and Column 4, lines 1-53.

10). The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

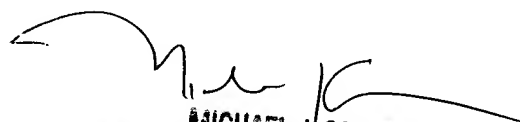
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications can be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <[http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov)>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Richardson, PE,

October 28 2004.


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER

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SUPERVISOR